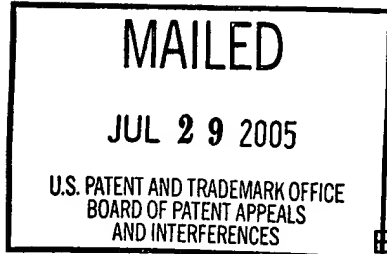


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VINOD JAYARAMAN and HITOSHI TAKANASHI

Appeal No. 2005-1547
Application No. 09/687,657

ON BRIEF

Before BLANKENSHIP, SAADAT, and MACDONALD, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-48, which are all the claims in the application.

We reverse.

BACKGROUND

The invention relates to a mobile acquisition system whereby mobile units acquire data about their environment and label the acquired data with the location where the data was acquired. The labeled data may be retrieved by a client via a remote data server. Representative claim 32 is reproduced below.

32. A method comprising:

using a mobile unit to acquire information about a region near the mobile unit;

using the mobile unit to determine a location of the mobile unit;

automatically labeling the information with the location of the mobile unit;

communicating an indication of the information and location to a remote server;
and

using the remote server to communicate at least some of the information to a client.

The examiner relies on the following references:

Pace, II (Pace)	5,712,899	Jan. 27, 1998
Kariya	5,774,803	Jun. 30, 1998
Havinis et al. (Havinis)	US 6,216,007 B1	Apr. 10, 2001 (filed Sep. 29, 1998)
Corwith	US 6,697,630 B1	Feb. 24, 2004 (filed Mar. 17, 2000)

Claims 1-25 and 32-40 stand rejected under 35 U.S.C. § 103 as being unpatentable over Havinis and Corwith.

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Claims 26-29 and 41-44 stand rejected under 35 U.S.C. § 103 as being unpatentable over Havinis, Corwith, and Kariya.

Claims 30, 31, and 45-48 stand rejected under 35 U.S.C. § 103 as being unpatentable over Havinis, Corwith, Kariya, and Pace.

We refer to the Final Rejection (mailed Mar. 12, 2004) and the Examiner's Answer (mailed Dec. 1, 2004) for a statement of the examiner's position and to the Brief (filed Aug. 19, 2004) and the Reply Brief (filed Feb. 7, 2005) for appellants' position with respect to the claims which stand rejected.

OPINION

Claims 1, 26, 32, and 41 are independent. Our discussion will be directed mainly to claim 32, as we consider the claim to be representative of the minimum requirements of the claims on appeal.

The rejection applied against claim 32 contends that Havinis teaches a method of using a mobile unit to acquire information about a region near the mobile unit, referring to column 3, lines 4 through 7. The rejection also contends that the reference teaches using the mobile unit to determine a location of the mobile unit, referring to

column 3, lines 9 through 15. (Answer at 4.)¹ The same sections of Havinis are applied to similar limitations in claims 1, 26, and 41.

Havinis at column 3, lines 4 through 7 speaks of mobile-based location calculation methods that allow the mobile terminal to calculate its own location based upon, in part, positioning measurements obtained by the mobile terminal. The reference at column 3, lines 9 through 15 provides specifics of the location calculation, using a Positioning Measurement Module (PMM) within the mobile terminal for performing the positioning measurements and a Location Calculation Module (LCM) within the mobile terminal for converting the positioning measurements to location information (described further in the detailed description of the invention).

We agree that Havinis teaches using the mobile unit to determine a location of the mobile unit. What is unknown, however, is the disclosure that the examiner may regard as teaching the use of a mobile unit to acquire information about a region near the mobile unit. Instant claim 37 specifies what may comprise the information. The rejection of claim 37 (Answer at 5) merely refers to the (entire) Abstract of Havinis, which is not helpful.

In any event, the rejection submits that Corwith teaches automatically labeling “the information” with the location of the mobile unit, referring to column 3, lines 20

¹ Instant claim 41 does not require that the mobile unit determine its location, but the rejection of the claim relies on the same portion of Havinis for the “associating” of the location. (Answer at 9.)

through 26 and column 4, lines 4 through 10 of Corwith. Whatever “the information” in Corwith may be, it cannot be the same “information” described in an unrelated reference (i.e., Havinis). In the responsive arguments in the Answer (at 13), the examiner appears to equate the location polygon coordinates described in Corwith with both the information about a region near the mobile unit and the labeling of the information.

The “location polygon coordinates,” as described by Corwith at column 3, line 58 through column 4, line 3, are determined by an ALI (Automatic Location Identification) control unit (Figure 1), rather than by a mobile unit. Corwith discloses at column 4, lines 4 through 10 that a complete digital map with the location polygon coordinates may be transferred (from the Mobile Traffic Switching Office, MTSO 106; Fig. 1) to an emergency dispatch center to receive an emergency call (Fig. 2). A digital map might be considered “information about a region near the mobile unit,” but Corwith does not teach that the mobile unit acquires the information, as required by instant claim 32.

Claim 32 requires the separate steps of using a mobile unit to acquire information about the region, using the mobile unit to determine a location of the mobile unit, and automatically labeling the information with the location of the mobile unit. We acknowledge that “information about a region near the mobile unit” is a broad limitation. As expressed in dependent claim 37, the information may consist essentially of no more than pictures, sound, or text. However, the claim does require manipulation of

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the separate elements of information and location. On this record, we are left to speculate how the references applied might be deemed to teach the invention of claim 32, and the inventions set forth by the remainder of the independent claims.

Kariya and Pace do not remedy the deficiencies in the rejection founded on the reliance on Havinis and Corwith. We conclude that a prima facie case of obviousness has not been established for any claim on appeal. We do not sustain the rejections under 35 U.S.C. § 103.

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CONCLUSION

The rejection of claims 1-48 under 35 U.S.C. § 103 is reversed.

REVERSED

Howard B. Blankenship

HOWARD B. BLANKENSHIP
Administrative Patent Judge

Maxwell D. Gaudet

MAHSHID D. SAADAT
Administrative Patent Judge

BOARD OF PATENT
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INTERFERENCES

Allen MacBride

ALLEN R. MACDONALD
Administrative Patent Judge

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